

REMARKS

This application is a divisional application of U.S. Serial No. 09/122,299, filed July 24, 1998, in issue. Please enter the foregoing amendments prior to calculation of the filing fee and prior to examination on the merits.

The first paragraph of the specification has been amended herein to provide updated information regarding cross-references to related applications under 37 C.F.R. § 1.78.

New Claim 26 is a product-by-process claim reciting a domestic bird vaccinated by the method patented in the parent application, Ser. No. 09/122,299, in issue. The claim incorporates the features that led to the allowance of the parent application, i.e., the recitation, "wherein the spray is composed of droplets having a mean diameter of 40-200 microns." Support for the claim is inherent from the previous method claims.

Dependent Claim 27 further recites that the domestic birds vaccinated by the method are resistant to enteropathogenic infection. Support for this recitation is found throughout the specification, e.g., see Example 5 and Table 20 on page 44 of the specification.

New Claim 30 is directed to a vaccine kit for practicing the patentable method of the parent application, Ser. No. 09/122,299, now in issue. Support for the claim is inherent from the previous method claims. Newly added Claims 29-34 specify further details of the vaccine kit of Claim 30.

Dependent Claims 27-29 and 31-35 specify: particular enteropathogenic avian bacteria; that the enteropathogenic bacteria is a Salmonella; that the Salmonella is *S. typhimurium*; and the *S. typhimurium* strain χ 3985. Support the recitations is found throughout the specification, e.g., see page 9, lines 20-26; page 6, lines 23-34; and page 10, lines 28-31.

Dependent Claims 36 and 37 recite further details regarding suitable diluents to be included in the vaccination kit. Support can be found on page 12, lines 9-16 of the specification.

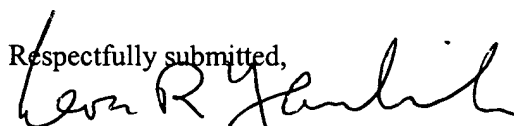
Dependent Claim 38 recites that the instructions specify spray delivery of a dose of 10^5 - 10^8 colony forming units. Support for this recitation can be found on page 5, lines 29-31.

No new matter is presented.

A check in the amount of \$770.00 to cover the filing fees accompanies these papers, and the fees are calculated taking the foregoing amendments into account, since the amendments cancel claims allowed in the parent application. The Commissioner is specifically authorized to charge any additional fees deemed to be necessary in connection with the filing of this paper or any of the accompanying papers, or to charge other fees necessary to complete this US filing to Deposit Account 50-0268.

Entry of the foregoing amendments and examination of the claims as amended are requested.

Respectfully submitted,



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March 26, 2004
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